

Chapter: Puc 200

These rules are published in loose leaf form in order that they may be amended as frequently as necessary. If you wish to receive updating supplement pages, you must fill out this form and return it as indicated below. In this way you will automatically be added to the agency's list of permanent subscribers for this set of rules.

Name\_\_\_\_\_

Street Address\_\_\_\_\_

P. O. Box\_\_\_\_\_

City/Town\_\_\_\_\_

State\_\_\_\_\_ Zip\_\_\_\_\_

Send this sheet to:

Paralegal, Legal Department  
New Hampshire Public Utilities Commission  
8 Old Suncook Road  
Concord, NH 03301-7319

TABLE OF CONTENTS

CHAPTER Puc 200 PROCEDURAL RULES

PART Puc 201 PROCEEDINGS BEFORE THE COMMISSION

- Section Puc 201.01 Procedure Governed
- Section Puc 201.02 RESERVED
- Section Puc 201.03 Appearance Before the Commission
- Section Puc 201.04 Construction and Amendment
- Section Puc 201.05 Waiver of Rules

PART Puc 202 OPERATION AND REQUIREMENTS

- Section Puc 202.01 Place of Hearings
- Section Puc 202.02 Docket and Calendar of Hearings
- Section Puc 202.03 Computation of Time
- Section Puc 202.04 Extensions of Time
- Section Puc 202.05 Office Days and Hours
- Section Puc 202.06 Date of Filing
- Section Puc 202.07 Filing Requirements
- Section Puc 202.08 Electronic Filing
- Section Puc 202.09 Facsimile Filing
- Section Puc 202.10 Requirements for Written Communications
- Section Puc 202.11 Advance Filing of Exhibits and Testimony
- Section Puc 202.12 Exhibits
- Section Puc 202.13 Late Filing of Exhibits
- Section Puc 202.14 Transcripts
- Section Puc 202.15 Signatures
- Section Puc 202.16 Views and Inspections
- Section Puc 202.17 Amendments
- Section Puc 202.18 Service

PART Puc 203 HEARINGS, PROCEDURE AND CONDUCT

- Section Puc 203.01 Notice of Hearing
- Section Puc 203.02 Intervention
- Section Puc 203.03 Statement of Position
- Section Puc 203.04 Motions
- Section Puc 203.05 Prehearing Conference
- Section Puc 203.06 Designation of Lead Commissioner as Presiding  
Officer
- Section Puc 203.07 Order of Procedure at Hearing
- Section Puc 203.08 Consolidation of Hearings
- Section Puc 203.09 Settlement and Stipulation of Facts
- Section Puc 203.10 Evidence; Official Notice in Contested Cases
- Section Puc 203.11 Limiting Number of Witnesses or Time
- Section Puc 203.12 Postponement of a Hearing

# NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- Section Puc 203.13 Recess of Hearings
- Section Puc 203.14 Briefs
- Section Puc 203.15 Rehearing
- Section Puc 203.16 Recess and Adjournment
- Section Puc 203.17 Obstructing Justice

## PART Puc 204 PLEADINGS

- Section Puc 204.01 Pleadings
- Section Puc 204.02 Form
- Section Puc 204.03 Incomplete Applications, Complaints, and Petitions
- Section Puc 204.04 Discovery
- Section Puc 204.05 Public Records
- Section Puc 204.06 Confidential Treatment

## PART Puc 205 - RESERVED

## PART Puc 206 ALTERNATIVE REGULATION

- Section Puc 206.01 Definitions
- Section Puc 206.02 Utility May Petition
- Section Puc 206.03 Commission Shall Initiate
- Section Puc 206.04 Adjudicatory Proceedings
- Section Puc 206.05 Description of Alternative Form of Regulation
- Section Puc 206.06 Filing Requirements
- Section Puc 206.07 Standards for Approval
- Section Puc 206.08 Reporting Requirements
- Section Puc 206.09 Withdrawal of Approval

CHAPTER Puc 200 PROCEDURAL RULES

PART Puc 201 PROCEEDINGS BEFORE THE COMMISSION

Puc 201.01 Procedure Governed. These rules shall govern practice and procedure in all proceedings before the public utilities commission of the state of New Hampshire.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 201.02 - RESERVED

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

Puc 201.03 Appearance Before the Commission.

(a) Any person may appear before the commission:

- (1) In one's own behalf;
- (2) By an attorney authorized to practice in this state;
- (3) By an employee or authorized agent; or
- (4) By any person the commission authorizes, pursuant to RSA 365:10-a, to act as a representative of the person before the commission.

(b) The commission shall authorize a representative to appear on a person's behalf if the representative agrees to adhere to:

- (1) The commission's rules of practice and procedure; and
- (2) Any orders of the commission or agreements between the parties in the docket, including orders or agreements addressing confidentiality.

(c) The commission shall authorize an attorney in good standing from another jurisdiction to participate in proceedings in specific instances.

(d) The commission shall prohibit any person described in (a) through (c) above if it finds that person to have demonstrated a disregard for commission practices and procedures or otherwise disrupted commission proceedings.

(e) Nothing in these rules shall be interpreted in such a way as to permit the unauthorized practice of law before the commission.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 201.04 Construction and Amendment. These rules, and any rules incorporated herein by reference, shall be construed by the commissioners and any presiding officer as to secure a just and timely determination of the issues.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 201.05 Waiver of Rules.

(a) The commission shall waive the provisions of any rule, except where precluded by statute, upon request by an interested party or commission staff if the commission finds that:

- (1) The waiver serves the public interest; and
- (2) The waiver shall not disrupt the orderly proceeding of the commission.

(b) Any petitioner, interested party or commission staff seeking a waiver shall make a request in writing, except as provided in (c) below.

(c) The commission shall accept for consideration any waiver request made orally during a hearing or pre-hearing conference.

(d) A request for a waiver shall specify the basis for the waiver and proposed alternative, if any.

(e) In determining the public interest, the commission shall waive a rule if:

- (1) Compliance with the rule would be onerous given the circumstances of the affected person; and
- (2) The purpose of the rule shall be satisfied by an alternative method proposed.

(f) Upon request, the commission shall waive a rule if the rule is inapplicable to the circumstances of the affected entity.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss

by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

PART Puc 202 OPERATIONS AND REQUIREMENTS

Puc 202.01 Place of Hearings.

- (a) The commission shall conduct all hearings at its hearing rooms in Concord.
- (b) The commission shall conduct public informational sessions if it finds that the public interest warrants additional opportunities for presentation of information or taking of public comment, such as in the case of a significant rate increase or proposal to restructure the electric industry.
- (c) The commission shall arrange for additional public informational sessions where possible:
  - (1) During evening hours; and
  - (2) In a location within the service territory of the affected customers.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 202.02 Docket and Calendar of Hearings.

- (a) The executive director and secretary of the commission shall maintain a docket of all proceedings pending before the commission.
- (b) The executive director and secretary shall maintain a hearings calendar of all proceedings that are to receive a hearing.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 202.03 Computation of Time.

- (a) Computation of any period of time referred to in these rules shall begin with the first day following that on which the act which initiates such period of time occurs.

(b) The last day of the period so computed shall be included unless it is a day on which the office of the commission is closed, in which event the period shall run until the end of the next following business day.

(c) The commission shall include Saturdays, Sundays and legal holidays in the computation of time unless inclusion of any Saturday, Sunday or legal holiday results in a time period of 5 days or less in which case any Saturday, Sunday or legal holiday shall be excluded from the computation.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 202.04 Extensions of Time.

(a) Except for postponements of hearings pursuant to Puc 203.12, a party requesting an extension of time shall make such request in writing to the executive director and secretary before the expiration of the period originally prescribed.

(b) The presiding officer shall grant a request for extension of time if he or she finds that the party making the request has shown good cause for an extension and the extension shall not unduly delay the proceedings.

(c) The executive director and secretary of the commission shall notify all parties of any extension of time granted.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 202.05 Office Days and Hours.

(a) The commission is located at 8 Old Suncook Road, Concord, New Hampshire.

(b) The commission has regular hours from 8:00 a.m. to 4:30 p.m. and is closed on Saturdays, Sundays and state holidays.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 202.06 Date of Filing.

(a) Any document submitted to the commission shall be deemed to have been filed on the date the commission receives an original executed paper filing with the required number of copies, pursuant to Puc 202.07.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 202.07 Filing Requirements.

(a) Except as provided in (b) below, for a filing to be effective, a party shall:

- (1) File an original and 8 copies of all documents with the commission;
- (2) File a diskette copy, as required by Puc 202.08, with the commission;
- (3) Serve a written copy on each entity identified on the commission's service list for that docket except as limited by (b) below regarding discovery; and
- (4) Serve a written copy with the office of the consumer advocate.

(b) Discovery requests and responses made pursuant to Puc 204.04 shall be served only on the parties and staff designated for the discovery materials on the commission's service list for that docket.

(c) Any person filing a document with the commission may file an additional copy of the filed document and request that it be date-stamped and returned to confirm filing.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 202.08 Electronic Filing.

(a) Each person filing a document shall, in addition to an original, executed paper filing with copies as required by Puc 202.07 or otherwise, electronically file each document, to the extent practicable, in a format compatible with the computer system of the commission.

(b) "Electronically file" means the filing with the commission of a computer diskette version of a document.



(c) Acceptable formats shall be DOS WordPerfect® versions 5.1 through 6.1, WordPerfect® for Windows® versions 5.2 through 6.1, ASCII®, Microsoft Word® and, for spreadsheets, Lotus®, Excel® and Quattro Pro®.

(d) A party may petition for a partial or full waiver from the electronic filing requirement pursuant to the waiver provisions of Puc 201.05.

(e) In its application for a waiver under (d) above, a party shall describe and provide evidence to demonstrate that:

(1) It does not have the computer capability to generate electronic reports or filings due to the small size of its overall operations or its lack of computer equipment and/or expertise; or

(2) Its existing available computer systems are not compatible with the computer systems of the commission and because of this incompatibility it would be prohibitively expensive or cumbersome to file electronically; or

(3) Other circumstances would make electronic filing prohibitively expensive or cumbersome.

(f) The commission shall issue a partial or full waiver under (d) above, or upon its own motion, if it determines that the burden on the party of electronic filing outweighs the benefit to the administrative process.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 202.09 Facsimile Filing.

(a) Filings shall not be made by facsimile unless the executive director and secretary authorizes a facsimile filing.

(b) A party requesting filing by use of facsimile shall contact the executive director and secretary by telephone to make such a request.

(c) The executive director and secretary shall authorize facsimile filing if the commission or other official person's consideration of an issue will be aided by review of a facsimile copy prior to receipt of a copy by mail or other delivery method.

(d) A party authorized to make a facsimile filing shall place in regular mail hard copies and an electronic copy the day of the facsimile filing.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 202.10 Requirements for Written Communications.

(a) Any party submitting written communications to the commission shall:

- (1) Date the submission;
- (2) Identify the name and address of the party submitting the document; and
- (3) Identify the appropriate docket number, order number or other pertinent subject matter identification.

(b) A motion contained within a filing shall be noted in a cover letter accompanying the submission.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 202.11 Advance Filing of Exhibits and Testimony.

(a) All petitions shall be accompanied by prefiled testimony and exhibits.

(b) The commission shall establish a procedural order deadline for prefiling direct and responsive testimony and exhibits for parties and commission staff.

(c) A party or commission staff shall file an original and 8 copies of prefiled testimony and exhibits with the commission and serve copies on all other parties to the proceeding at least 7 days in advance of the session of the hearing at which such testimony or exhibits are to be offered.

(d) If a witness' testimony exceeds 20 pages, the person presenting the witness shall file with the testimony a summary, not to exceed 2 pages or a detailed table of contents.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 202.12 Exhibits.

(a) A party presenting evidence shall present such evidence in exhibit form if the evidence contains tabulations and figures so numerous as to make oral presentation difficult to follow.

(b) Exhibits may contain a summary in an accompanying text or caption section.

(c) Exhibits consisting of more than one page shall be paginated sequentially.

(d) Parties filing exhibits shall provide space approximately 2 and 1/2 inches wide by 1 and 1/2 inches long in the upper right hand corner of the first page of each exhibit for the stamped insertion, by the hearing clerk, of the docket number, the name of the witness through whom it is presented and the number of the exhibit.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 202.13 Late Filing of Exhibits.

(a) The commission shall authorize filing of exhibits after the close of a hearing if the commission finds that late submission of additional evidence will enhance its ability to resolve the matter in dispute.

(b) A party or commission staff requesting authorization to file an exhibit after the close of a hearing shall make its request:

(1) Orally before the close of the hearing; or

(2) If the hearing has concluded, by motion, pursuant to Puc 203.04.

(c) In determining whether to admit the late filed exhibit into the record, the commission shall consider:

(1) The probative value of the exhibit; and

(2) Whether the opportunity to submit a document impeaching or rebutting the late filed exhibit without further hearing shall adequately protect the parties' right of cross examination pursuant to RSA 541-A:33,IV.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 202.14 Transcripts.

(a) When the commission desires a transcript of the evidence of any hearing, to assist in its deliberation thereon, it shall order a transcript pursuant to a contract between the commission and stenographic reporter.

(b) The reporter's charge for attendance and expenses shall be paid by the petitioning utility or as otherwise directed pursuant to RSA 365:37 and RSA 365:38.

(c) The reporter shall provide one copy of the transcript at no charge to the office of consumer advocate, pursuant to a contract between the commission and stenographic reporter.

(d) Other parties to the proceedings who desire transcripts shall make their own arrangements for delivery and payment of costs with the reporter.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 202.15 Signatures. Each filing submitted to the commission shall be signed by a person authorized to make such a filing.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 202.16 Views and Inspections.

(a) The commission shall take a view or conduct an inspection of any property which is the subject of a proceeding before the commission if requested by a party, or on its own motion, if the commission shall have determined that the view or inspection will assist the commission in reaching a determination in the proceeding.

(b) Such view or inspection shall be taken before, during or after any hearing which might be held.

Source. #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 202.17 Amendments.

## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(a) The commission shall permit the amendment of any document filed with the commission provided:

(1) The party requesting the amendment shall provide notice of the request to all members of the service list for the proceeding; and

(2) The commission determines that the amendment shall encourage the prompt and just resolution of the proceeding.

(b) The commission shall not accept any amendment which has the effect of broadening the scope of the proceeding unless it provides notice to those affected and an opportunity to comment prior to final commission action.

Source. #6559, eff 8-19-97

Puc 202.18 Service.

(a) Except for motions for rehearing filed pursuant to RSA 541:3, service of all documents relating to any proceeding, other than internal commission memoranda, shall be made by personal delivery, first class mail or other expedited delivery service.

(b) When facsimile filing is authorized by the commission pursuant to Puc 202.09, service shall also be made by facsimile to all parties with facsimile facilities.

(c) When commission staff submits a filing to the commission on the last day on which such filing may be made pursuant to a commission ordered procedural schedule or by law, the commission staff shall also give such filing on all parties to the proceeding by facsimile, by hand or, prior to the expiration of such deadline, shall notify all other parties that such filing is available at the commission.

(d) Motions for rehearing filed pursuant to RSA 541:3 shall be served by hand, by facsimile or other method such to ensure that they are received by the parties on the same day as they are filed with the commission.

(e) If a person becomes a party after a docket has been opened, the commission shall furnish a copy of all documents previously filed in that docket, if so requested, at a charge, to the requesting party, pursuant to Puc 104.01(f).

(f) Any person filing a document with the commission in an open docket shall include with the document a statement of service to the persons listed on the service list maintained by the commission for that docket.

Source. #6559, eff 8-19-97

### PART Puc 203 HEARINGS, PROCEDURE AND CONDUCT

Puc 203.01 Notice of Hearing.

## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(a) The commission shall give written notice by first class mail of a hearing at least 14 days in advance of the date of the written notice to the applicant, complainant or petitioner, to other parties, and to persons required by statute to be notified.

(b) The commission shall direct the applicant, complainant or petitioner to give notice to the general public by a newspaper of general circulation serving the area affected by the application, complaint or petition.

(c) The cost of publication required by (b) above shall be borne by the applicant, complainant or petitioner.

(d) The commission shall direct such other means of notice as it deems appropriate and advisable in order to ensure meaningful notification to interested parties.

(e) Notice required by (b) above shall contain:

(1) The time, date, and location of the hearing;

(2) The nature of the hearing;

(3) A short and plain statement of the issues involved;

(4) The number of times notice shall appear in the newspaper;

(5) The last date by which notice shall appear; and

(6) The date by which the applicant shall be required to file with the commission an affidavit of publication and return of publication.

(f) An applicant, complainant or petitioner required by the commission to publish notice shall file by a date specified in the notice, evidence of compliance consisting of an affidavit or other written statement of compliance, with a copy of the published notice attached.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

### Puc 203.02 Intervention.

(a) The presiding officer shall grant one or more petitions to intervene in accordance with the standards of RSA 541-A:32.

Source. #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 203.03 Statement of Position. Persons who are not parties to a proceeding but having interest in the subject matter may appear before the commission for the purpose of stating their positions for the record.

Source. #2912, eff 11-26-84; ss by #4998, eff 11-26-90;  
ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 203.04 Motions.

(a) A motion may be filed by any party or commission staff or, in the case of a motion for rehearing, a person directly affected by a commission action, pursuant to RSA 541:3.

(b) Except as provided otherwise in (c) below, any motion shall be filed in writing in the form of a pleading that contains the word "motion" in its title.

(c) The presiding officer shall permit an oral motion to be made on the record during a hearing or prehearing conference.

(d) A motion shall clearly and concisely state:

- (1) The facts and law which support the motion;
- (2) The specific relief or ruling requested; and
- (3) Certification that the party has made a good faith effort pursuant to Puc 203.04(e).

(e) The moving party shall make a good faith effort to obtain the concurrence of all parties and commission staff to any motion.

(f) The moving party shall identify in the body of the motion or cover letter those parties or staff which:

- (1) Concur in the motion;
- (2) Take no position on the motion;
- (3) Object to the motion; and
- (4) Could not be reached despite a good faith effort to do so.

(g) Objections to a motion, except for motions for rehearing, shall be in writing and filed within 10 days of the date on which the motion is filed.

(h) Objections to a motion for rehearing pursuant to RSA 541:3 shall be filed within 5 days of the date on which the motion for rehearing is filed.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 203.05 Prehearing Conference.

(a) In order to facilitate proceedings and encourage informal disposition, the presiding officer shall, upon motion of any party, or upon its own motion, schedule one or more informal prehearing conferences prior to the beginning of formal proceedings.

(b) The presiding officer shall provide notice to all parties prior to holding any prehearing conference.

(c) Prehearing conferences shall include consideration of any one or more of the following:

- (1) Offers of settlement;
- (2) Simplification of the issues;
- (3) Statement of preliminary, non-binding positions and other issues of concern of the parties and staff identified after initial review of the filing;
- (4) Stipulations or admissions as to issues of fact or proof, by consent of the parties;
- (5) Petitions to intervene and any objection filed thereto;
- (6) Limitations on the number of witnesses;
- (7) Changes to standard procedures desired during the hearing, by consent of the parties;
- (8) Consolidation of examination of witnesses by the parties;
- (9) Establishment of a procedural schedule, based on a recommendation developed among the parties, potential intervenors and staff prior to noticed start of the prehearing conference where possible; and
- (10) Any other matters which aid in the disposition of the proceeding.

(d) Prehearing conferences shall be tape recorded unless a party, at least 5 days in advance of the prehearing conference, requests a transcript, in which case the commission shall order a stenographic record.



(e) The presiding officer shall issue and serve upon all parties a prehearing order incorporating the matters determined at the prehearing conference.

(f) Prehearing conferences shall be followed by a technical session among the parties and staff, out of the presence of the commissioners to allow the participants to commence the discovery process.

Source. #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 203.06 Designation of Lead Commissioner as Presiding Officer.

(a) The commission shall designate one of the commissioners as the presiding officer for some or all of a proceeding if it determines that such designation shall promote the orderly and efficient conduct of the proceeding.

(b) The duties of the presiding officer shall include, but are not limited to:

(1) Presiding over the prehearing conference;

(2) Ruling on discovery disputes, confidentiality requests, and procedural matters which may arise during the course of the proceeding;

(3) Meeting with the participants of a proceeding to assess opportunities for settlement of disputed issues; and

(4) Mediating disputes among participants in an effort to reach a settlement of some or all issues in dispute, if consented to by all participants in the proceeding.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 203.07 Order of Procedure at Hearing. In hearings on complaints, applications and petitions the party who shall open and close any part of the presentation shall be the complainant, applicant or petitioner.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 203.08 Consolidation of Hearings.

(a) When more than one application, complaint, or petition prays for the same or similar relief, the commission shall consolidate the cases to be heard on a common record if it determines that to do so will promote the orderly and efficient conduct of the proceeding.

(b) The cost of consolidated hearings shall be borne equitably by the parties.

(c) In determining an equitable sharing of costs pursuant to (b) above, the commission shall consider:

(1) A utility's number of customers; and

(2) A utility's in-state revenue.

(d) If a party objects to consolidation, such consolidation shall not occur until after the party has had an opportunity to be heard on the issue.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 203.09 Settlement and Stipulation of Facts.

(a) The commission shall approve a disposition of any contested case by stipulation, agreed settlement, consent order or default, if it determines that the result is just and reasonable and serves the public interest.

(b) The parties to any proceeding before the commission and commission staff may, by stipulation in writing filed with the commission or entered in the record at the hearing, agree upon the facts or any portion thereof involved in the hearing.

(c) If a stipulation is filed, it shall bind the commission as to the facts in question and the commission shall consider the stipulation as evidence in the decision of the matter.

(d) Settlements and stipulations shall be filed no less than 5 days prior to the hearing.

(e) The commission shall accept late filed settlements and stipulations if it finds that acceptance shall:

(1) Promote the orderly and efficient conduct of the proceeding; and

(2) Not impair the rights of any party to the proceeding.

Source. #2912, eff 11-26-84; ss by #4998, eff 11-26-90;  
ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 203.10 Evidence; Official Notice in Contested Cases.

- (a) All testimony of parties and witnesses shall be made under oath or affirmation.
- (b) The rules of evidence shall not apply in proceedings before the commission.
- (c) The commission shall exclude irrelevant, immaterial or unduly repetitious evidence.
- (d) The commission shall give effect to the rules of privilege recognized by law.
- (e) Objections to evidence offered may be made and shall be noted in the record.
- (f) A party shall submit documentary evidence in the form of copies or excerpts unless the commission finds that the authenticity of the submission is questioned or the copy is not legible.
- (g) Excerpts of documents shall include the proper citation to the complete document.
- (h) Any party may conduct cross-examination of a witness in order to develop a full and true disclosure of the facts, subject to the limitations imposed by the commission pursuant to (j) below.
- (i) The commission shall limit the direct or cross-examination of a witness if it determines that such limitation is necessary to avoid repetitive lines of inquiry.
- (j) The commission shall take official notice when a party presents one or more of the following:
  - (1) Any fact which could be judicially noticed in the courts of New Hampshire;
  - (2) The relevant portion of the record of other proceedings before the commission;
  - (3) Generally recognized technical or scientific facts within the commission's specialized knowledge; and
  - (4) Codes or standards that have been adopted by an agency of the United States, of New Hampshire or of another state, or by a nationally recognized organization or association.
- (k) The commission shall notify parties either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed.
- (l) The commission shall afford parties an opportunity to contest the material so noticed.
- (m) The commission's experience, technical competence and specialized knowledge shall be

utilized in the evaluation of the evidence.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 203.11 Limiting Number of Witnesses or Time. The commission shall limit the number of witnesses or the time for testimony or oral argument upon a particular issue, as needed, to avoid unnecessary or cumulative evidence.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 203.12 Postponement of a Hearing.

(a) A party requesting postponement of a hearing shall file a request with the executive director and secretary, in writing, at least 7 days prior to the date of hearing.

(b) The commission shall grant a request for postponement of a hearing if it finds that to do so would promote the orderly and efficient conduct of the proceeding.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 203.13 Recess of Hearings.

(a) Prior to a recess of any public hearing, the commission shall give notice of the planned resumption of the recessed hearing to those parties who appeared at the original session.

(b) The commission is not required to give public notice of such recess.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 203.14 Briefs.

(a) The commission shall allow briefs as to facts and law when they would assist the commission in its determination of the issues presented.

(b) The commission shall establish a deadline for filing briefs, if any, during or upon the conclusion of the hearing.

(c) The commission shall require briefs to be presented in a particular order of issues if it would assist the commission in its determination of the issues presented.

(d) The commission shall establish a page limit for briefs in accordance with the complexity of the issues.

(e) For any brief in excess of 20 pages, a party shall submit with the brief a summary that is no longer than 2 pages.

(f) The commission shall encourage joint filing of briefs when there is more than one party advocating the same result and the same arguments and individual briefs would be duplicative.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 203.15 Rehearing. Parties requesting rehearing shall do so according to the provisions of RSA 541.

Source. #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 203.16 Recess and Adjournment. The commission shall recess, adjourn and continue any hearings if to do so will promote the orderly and efficient conduct of the proceeding.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 203.17 Obstructing Justice. The commission shall refer for prosecution, pursuant to RSA 641:1, any person who:

(a) Testifies falsely to any material matter at any hearing wherein he has given his oath or affirmation, believing the testimony to be untrue; or

(b) Willfully falsifies any account, book, record, financial statement or other information presented at said hearing, regarding any material matter, believing the content to be untrue, with the intent to mislead or deceive any commissioner, presiding officer or staff member.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

## PART Puc 204 PLEADINGS

### Puc 204.01 Pleadings.

(a) All motions, petitions or complaints shall include the following:

- (1) A clear and concise statement of the authorization or other relief sought;
- (2) The statutory provision or legal precedent under which the authority or other relief is sought;
- (3) The legal name of each person seeking the authorization or relief and the address or principal place of business of such person;
- (4) A concise and explicit statement of the facts upon which the commission should rely in granting authorization or relief; and
- (5) Such other data as the petitioner considers relevant to the request for authority or relief.

(b) With the exception of petitions to intervene, petitions shall be accompanied by written testimony sworn to by the witness.

(c) Written testimony shall set forth:

- (1) The facts relied upon in the pleading;
- (2) Other facts pertinent to the pleading; and
- (3) Policy arguments in support of the result sought in the pleading.

(d) In the event that the scope of a proceeding is expanded or issues arise which were not reasonably anticipated by the petitioner, the commission shall allow the petitioner to file supplemental testimony on the new or unanticipated issues.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff

11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 204.02 Form.

(a) Pleadings, motions and briefs shall:

- (1) Be typewritten or otherwise mechanically produced or reproduced on white paper 8-1/2 by 11 inches in size;
- (2) Contain on the initial sheet a heading across the top thereof, which shall read "The State of New Hampshire Before the New Hampshire Public Utilities Commission;
- (3) Identify the name of the petitioner, applicant or other party who is the subject of such proceeding; and
- (4) Identify the nature of the document.

(b) Each document shall bear the title of the proceeding and the docket number assigned the matter by the commission, to the extent known.

(c) Each pleading shall be signed by each party sponsoring the pleading or the party's duly authorized agent.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 204.03 Incomplete Applications, Complaints, and Petitions.

(a) The commission shall notify applicant, complainant, or petitioner of deficiencies in any filed application, complaint, or petition.

(b) Upon such notification the applicant, complainant or petitioner shall correct the application, complaint or petition within 20 days.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 204.04 Discovery.

## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(a) The staff or any party shall serve upon any other party or the staff, data requests, which may consist of a written interrogatory or request for production of documents, as necessary to evaluate a petition, application or testimony.

(b) Data requests shall identify with specificity the information or materials sought.

(c) Responses to data requests shall:

(1) Be made within 10 days of the date of receipt or in accordance with a procedural schedule established by the commission;

(2) Be made in writing under oath by the party upon whom served, or by an officer or agent who shall furnish all information available to the party; and

(3) Be served upon every party and those staff designated for discovery filings on the commission's official service list pursuant to Puc 202.07(b).

(d) Objections to data requests shall:

(1) Be served in writing on the propounder of the requests within 4 days following receipt of the request; and

(2) Clearly state the grounds on which it is based.

(e) Failure to object to a data request or requests for documents within 4 days of its receipt without good cause shall be deemed a waiver of the right to object such as a witness's unavailability to review the request during the 4 day period.

(f) Motions to compel responses to data requests shall specify the basis of the motion.

(g) The commission shall employ other forms of discovery including, but not limited to, technical sessions and depositions as needed to enable the parties and staff to evaluate the issues presented.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

### Puc 204.05 Public Records.

(a) All documents submitted to the commission or staff shall become matters of public record, subject to RSA 91-A, as of the day and time of submission to the commission or staff, with the following exceptions:

(1) Accident reports under RSA 374:40;



(2) Documents submitted to the commission or staff accompanied by motions for confidentiality pursuant to Puc 204.06(b);

(3) Documents subject to a protective order of the commission issued pursuant to Puc 204.06(a); and

(4) Documents exempt from disclosure pursuant to any provision of law.

(b) Documents submitted to the commission or staff accompanied by a motion for confidentiality shall not be disclosed to the public and shall be maintained as provided in Puc 204.06(d) until the commission makes a ruling as described in (c) below.

(c) After documents have been submitted to the commission or staff accompanied by a motion for confidentiality, the commission shall make a ruling providing as follows:

(1) If the commission grants the motion for confidentiality, the information shall be treated according to Puc 204.06(d) and the conditions set by the commission's order; or

(2) If the commission denies the motion for confidentiality or modifies a prior order of confidentiality so that information previously held confidential shall no longer be treated according to Puc 204.04(c), the information shall not be disclosed until all rights to request rehearing and to appeal have been exhausted or waived.

(d) Members of the public may examine and copy the public record in accordance with Puc 104.01.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

Puc 204.06 Confidential Treatment.

(a) The commission shall grant confidentiality upon its finding that the documents sought to be made confidential are within the exemptions permitted by RSA 91-A:5,IV or other provisions of law based upon the information submitted pursuant to Puc 204.06(b) and (c).

(b) The petitioner shall provide the commission with a motion for confidentiality which contains the following:

(1) The documents, specific portions of documents, or types of information for which confidentiality is sought;

(2) Reference to the statutory or common law support for confidentiality;

(3) Facts describing the benefits of non-disclosure to the public, including evidence of harm that would result from disclosure to be weighed against the benefits of disclosure to the public; an

(4) Evidence as required by (c) below.

(c) The petitioner shall provide evidence that the information is:

(1) Either the petitioner's information which, if made public, would likely create a competitive disadvantage for the petitioner, including but not limited to:

a. Trade secrets which required significant effort and cost to produce and would take significant effort and cost by others to develop independently; or

b. Other confidential, research, development, financial, or commercial information, such as fuel supply contract prices and terms, and details of special contracts relating to pricing and incremental cost information for competitive services not reflected in tariffs of general application;

(2) The petitioner's customer's information is financially or commercially sensitive to the customer or which, if released, would likely constitute an invasion of privacy for the customer; and

(3) The information is not general public knowledge or published elsewhere and measures have been taken by the petitioner and, in the case of (2) above, the petitioner's customer, to prevent dissemination of the information in the ordinary course of business.

(d) Information which has been determined by the commission to be confidential under Puc 204.06(a) shall be treated as follows:

(1) The information shall not be disclosed to the public in a manner inconsistent with the confidentiality order of the commission;

(2) An original and 8 copies of the information shall be provided for use by the commission and staff; and

(3) The copies shall be stamped confidential and held within the commission offices in secure locations.

(e) If the staff or any party desires to place some or all of the information which has been determined to be confidential under Puc 204.06(a) into the record during a commission proceeding, whether by exhibit, pleadings, testimony, direct or cross-examination, oral argument, or brief, then such party or staff shall notify all parties and the commission in advance that such confidential information is proposed to be introduced and request that it be placed by the commission in a sealed record.

(f) If any of the information which has been determined to be confidential under Puc 204.06(a)

is thereafter released or made public by the party who sought its protection, any protection under Puc 204.06(a) shall cease with respect to the released information but shall remain in full force and effect as to the information not so released or made public.

(g) If any of the information which has been determined to be confidential under Puc 204.08(a) is thereafter released or made public by unauthorized disclosure by anyone other than the party who sought its protection, the protection under Puc 204.08(c) shall remain in full force and effect, binding all parties and the commission.

(h) When all rights to appeal final orders of the commission in a proceeding have been exhausted, the commission may offer to the party supplying the protected material the option of:

(1) Retrieving the protected material; or

(2) If the material is no longer confidential, allowing the protected material to become part of the public record.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

New. #6559, eff 8-19-97

#### PART Puc 205 - RESERVED

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4998, eff 11-26-90; ss by #6365, INTERIM, eff 11-18-96, EXPIRED: 3-18-97

#### PART Puc 206 ALTERNATIVE REGULATION

##### Puc 206.01 Definitions.

(a) "Alternative form of regulation" means a method of utility rate regulation pursuant to RSA 374:3-a other than methods which are based upon cost of service, rate base and rate of return.

(b) "Utility" means "public utility" as defined in RSA 362:2.

Source. #6444, eff 1-28-97

Puc 206.02 Utility May Petition. A utility may file with the commission a petition for an alternative form of regulation.

Source. #6444, eff 1-28-97

##### Puc 206.03 Commission Shall Initiate.

(a) The commission shall initiate a proceeding to establish an alternative form of regulation if it finds that alternative regulation is likely to promote or enhance one or more of the following:

- (1) Competition;
- (2) Advancements in development of infrastructure;
- (3) Investment in new technology, plant and equipment;
- (4) Reduction in prices; or
- (5) Efficiency in services.

(b) When the commission initiates a proceeding to establish an alternative form of regulation, it shall issue an order directing the affected utility to submit detailed information consistent with the requirements of Puc 206.05 and any additional information required by Puc 206.06.

Source. #6444, eff 1-28-97

Puc 206.04 Adjudicatory Proceedings.

(a) Proceedings initiated pursuant to Puc 206.02 or Puc 206.03 shall be considered adjudicatory.

(b) Puc 200 Procedural Rules shall apply to proceedings for approval, implementation or withdrawal of approval of an alternative form of regulation.

Source. #6444, eff 1-28-97

Puc 206.05 Description of Alternative Form of Regulation. When a utility petitions for an alternative form of regulation, it shall describe in detail in its petition or, as to materials requested pursuant to Puc 206.05 (f), it shall provide the following:

- (a) The form of alternative regulation it seeks;
- (b) The extent to which that form of alternative regulation shall apply to its entire operations or to particular portions of its services or operations;
- (c) The term over which the alternative form of regulation shall apply;
- (d) The form of regulation which shall apply after the term of the approved form of alternative regulation expires;
- (e) How the rates charged under the alternative form of regulation would compare to rates that would be charged under methods which are based upon cost of service, rate base and rate of return, if the utility were to file a rate case concurrently; and

(f) Any additional information, including but not limited to, rates, pricing, earnings, customer protections, service offerings, expansion of technology, accounting or investments which the commission shall request if the form of alternative regulation and/or the petition raise issues on which the commission needs further information in order to complete the record.

Source. #6444, eff 1-28-97

Puc 206.06 Filing Requirements.

(a) When a utility seeks an alternative form of regulation, it shall file a petition with the commission which shall contain identifying information including the name of the utility, address of the utility and contact person.

(b) In its petition filed pursuant to Puc 206.02 or in response to a commission-initiated proceeding pursuant to Puc 206.03, the utility shall describe in detail the effects, if any, that the alternative form of regulation will have on the following:

- (1) Competition;
- (2) The safety, adequacy and reliability of public utility service;
- (3) The traditional regulatory balance which does not unfairly benefit or disadvantage utility consumers, utility investors and other stakeholders;
- (4) Administrative efficiency in the regulatory process for the utility and the commission;
- (5) Economic development within New Hampshire;
- (6) Access to basic utility service to residents throughout the state, also known as universal service;
- (7) Innovation of services;
- (8) Infrastructure improvements; and
- (9) Environmental and conservation safeguards and incentives.

(c) Where the utility concludes that the alternative form of regulation will have no effect on any factor listed in Puc 206.06 (b), the utility shall describe in detail in its petition the basis for its conclusion that there is no effect.

Source. #6444, eff 1-28-97

Puc 206.07 Standards for Approval.

(a) After notice and hearing, and after considering the materials submitted by the utility, other

interested parties and commission staff, and the factors required by Puc 206.06, the commission shall approve an alternative form of regulation if it determines that such alternative:

- (1) Results in rates that are not unduly discriminatory and are at a level that allows those to whom a service is being marketed to obtain such service;
- (2) Provides the utility the opportunity to realize a return on its investment which falls within a range that is neither confiscatory nor unduly profitable and that reflects the utility's investment risk; and
- (3) Serves the public interest in light of the considerations described in Puc 206.06(b)(1) through (9).

Source. #6444, eff 1-28-97

Puc 206.08 Reporting Requirements.

(a) Any utility regulated under an alternative form of regulation which maintains its books on a calendar year basis shall report to the commission no later than March 31 of each year the following information:

- (1) Changes in prices of services under an alternative form of regulation during the calendar year just concluded;
- (2) New services introduced under an alternative form of regulation during the calendar year just concluded;
- (3) The rate of return realized on services under an alternative form of regulation during the calendar year just concluded;
- (4) New construction or improvement to infrastructure introduced under an alternative form of regulation during the calendar year just concluded; and
- (5) Any further information which the commission determines is necessary to confirm that the original bases for approval under Puc 206.07 have still been met.

(b) Any utility regulated under an alternative form of regulation that maintains its books on a fiscal year that does not coincide with a calendar year shall report to the commission no later than 90 days following the close of each fiscal year the information listed in Puc 206.08(a)(1) through (5).

(c) Reporting requirements under this section shall be in addition to and shall not supersede or negate the necessity to comply with any other applicable reporting requirements established under rulemaking authority of the commission.

(d) For any utility in which some services are subject to rate of return regulation and some services are subject to an alternative form of regulation, the utility shall maintain accounting records

which demonstrate that the costs and revenues of rate of return regulated services are not commingled with the costs and revenues of services under an alternative form of regulation.

Source. #6444, eff 1-28-97

Puc 206.09 Withdrawal of Approval.

(a) When the commission determines, after notice and an opportunity for hearing pursuant to Puc 200, that a utility's performance under an alternative form of regulation no longer complies with the standards for approval established by Puc 206.07, and therefore no longer serves the public interest, the commission shall issue an order:

(1) Withdrawing approval of the alternative form of regulation and:

- a. Initiating a proceeding to establish another alternative form of regulation, in accordance with Puc 206.06 and 206.07; or
- b. Reinstating regulation based upon cost of service, rate base and rate of return.

(b) During the pendency of a proceeding to consider withdrawal of approval of an alternative form of regulation or a proceeding to consider another alternative form of regulation, the commission shall either:

- (1) Maintain the form of regulation last approved for the affected utility; or
- (2) Reconstitute regulation based upon cost of service, rate base and rate of return.

(c) In determining the method of regulation to apply during the pendency of a proceeding pursuant to Puc 206.09(a), the commission shall order the form of regulation that best assures:

- (1) Safe, adequate and reliable utility operation;
- (2) Financial stability of the utility; and
- (3) Limited financial impact, if any, on ratepayers.

Source. #6444, eff 1-28-97